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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED
DEC 03 2014
DEC 03 2014
Chief Judge Ruben Castillo
United States District Court

UNITED STATES OF AMERICA *ex rel.*)
CONSTANTINE ZVEREV, and the)
STATE OF CALIFORNIA, STATE OF)
ILLINOIS, STATE OF MASSACHUSETTS,)
and STATE OF NEW YORK, *ex rel.*)
CONSTANTINE ZVEREV,)

Plaintiffs,)

v.)

USA VEIN CLINICS OF CHICAGO, LLC;)
USA VEIN CLINICS, LLC; USA VEIN)
CLINICS OF BOSTON, LLC; USA VEIN)
CLINICS, P.C.; USA VEIN CLINIC OF)
NEW YORK, LLC; USA VEIN CLINICS,)
INC.; and YAN KATZNELSON, AN)
INDIVIDUAL,)

Defendants.)

No. 12 C 8004

Chief Judge Castillo

**FILED IN CAMERA AND
UNDER SEAL**

**NOTICE OF THE UNITED STATES AND THE
STATES OF CALIFORNIA, ILLINOIS, MASSACHUSETTS,
AND NEW YORK THAT THEY ARE NOT INTERVENING AT THIS TIME**

The current, and second, year-long extension of the seal in this case is set to expire on December 5, 2014. The United States' and the individual states' (California, Illinois, Massachusetts, and New York) investigation has not been completed and, as such, the United States and the individual states are not able to decide, as of the court's deadline, whether to proceed with the action. Accordingly, the United States and the individual states hereby notify the court that they are not intervening at this time. However, the investigation will continue and counsel for relator has informed the United States that relator plans on continuing to pursue this case.

Although the United States is not intervening at this time, it refers the court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the action in the name of the United States; providing, however, pursuant to 31 U.S.C. § 3730(b)(1) that the “action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” Therefore, the United States requests that, should either the relator or the defendants propose that this action be dismissed, settled, or otherwise discontinued, this court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States and the individual states request that all pleadings filed in this action be served upon them; the United States and the individual states also request that orders issued by the court be sent to the United States’ and individual states’ counsel. The United States and the individual states reserve their right to order any deposition transcripts, to intervene in this action, for good cause, at a later date, and to seek the dismissal of the relator’s action or claim. The United States and the individual states also request that they be served with all notices of appeal.

Finally, the United States and the individual states request that the relator's complaint, this notice, and the attached proposed order be unsealed. The United States and the individual states request that all other papers on file in this action remain under seal because in discussing the content and extent of the United States’ and the individual states’ investigation, such papers are provided by law to the court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.


A proposed order accompanies this notice.

Respectfully submitted,

ZACHARY T. FARDON

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Dated: December 3, 2014